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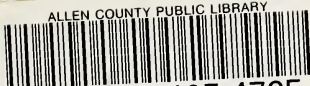
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RHODE ISLAND HISTORICAL TRACTS

SECOND SERIES.

No. 5.

AN INQUIRY CONCERNING THE VALIDITY OF THE CLAIMS
MADE BY ROMAN CATHOLICS THAT MARYLAND WAS
SETTLED UPON THAT BASIS BEFORE ROGER
WILLIAMS PLANTED THE COLONY
OF RHODE ISLAND.

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SIDNEY S. RIDER.

1896.

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1897.

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RHODE ISLAND'S GIFT

TO THE

NATION.

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PRELIMINARY NOTE.

THE following Tract consists of a series of papers published by the writer in *Book Notes*, during the autumn of 1894, very much enlarged, but upon the same lines. The question was not one of the establishment of the principle of Religious Liberty here in Rhode Island, but whether such a principle had been already established, and then existed in Maryland when Rhode Island was planted, in 1636; whether the Roman Catholic Church in Maryland planted Religious Liberty before Roger Williams planted this principle here in Rhode Island. This claim by the Roman Catholics is herein denied, and, as we believe, overthrown. The very law under which this claim is set up (see p. 11) destroys the claim. If the words "Holy Church" in that law mean, as it is claimed that they mean, the Holy Roman Catholic Church, then that church was the only church, or religion, whose "rights, liberties, and immuni-

ties" were kept "safe, whole, and inviolable in all things" in Maryland. It established the Roman Catholic Church and no other. It was not Soul Liberty. Severely as some of the positions claimed have been herein assaulted, the writer believes he has been just. Such a reckless use of citations from previous writers, and used as authorities, as has been herein exhibited are, let us hope, not common, but when shown, as they are herein shown, to be false, or to mean the reverse of what is claimed, deserves the severest condemnation.

I.

QUITE recently certain Roman Catholics have set up the claim that that sect was the first to plant on this Continent the principle of Religious Liberty or Freedom of Conscience, and that it was in the planting of the Maryland Colony that it was done. These are specimen claims:

Bishop Spalding, of the Roman Catholic Diocese of Peoria, in an article in the *North American Review* for September, 1894, entitled "Catholicism and Apaism" (A. P. A. ism), thus writes: "They [Roman Catholics] founded one of the thirteen colonies [Maryland], and were the first in the New World—the first, indeed, in all the world—to make Freedom of Conscience an organic part of the constitution of a State."

In February, 1895, the Rev. T. J. Conaty, D.D., a Roman Catholic priest, dwelling at Worcester, Mass., but now Rector of the Roman Catholic University at Washington, D.C., delivered an address before the Boston Unitarian Club, in which he used the following language: "Not in all our

code of morals, not in all our code of doctrine, is there a single fiber of hostility to true Americanism; but there is hostility to demagogism, and there is hostility to that which would destroy true manhood; there is hostility to the bigot; for, if I read my history aright, my Catholic forefathers, on the shores of Baltimore, preached Religious Toleration first; yes, as Bancroft himself says, and as Montgomery confirms it in the book which is in our schools today, and as Mr. Fiske said practically the other day at Baltimore, five years before the Baptist Colony at Providence proclaimed Religious Toleration, the Catholic Colony at Maryland proclaimed it; it is well to read history aright. Thank God there are men who read it with the clear spectacles of reason and unprejudice; we are willing to trust ourselves to them."

In April, 1895, there was published in the *American Quarterly Review* a paper written by Richard H. Clarke, LL.D., entitled "Maryland or Rhode Island, Lord Baltimore or Roger Williams, which was first?" The learned writer uses the following language: "It has always been a proud boast of [Roman] Catholics in America that the first example among the original thirteen colonies, of a State,

in an age of persecution, laying its very foundation upon the broad principle of Religious Liberty, was the [Roman] Catholic Colony of Maryland. Historians have conceded this honorable distinction and precedence to [Roman] Catholic Maryland, and the authorities quoted in support of the [Roman] Catholic claim have been mostly Protestant authorities, who have been profuse in their eulogies of Lord Baltimore and the [Roman] Catholics of Maryland."

From the *Catholic News*, New York, May, 1895: "First to grant Religious Liberty. To Maryland rightfully belongs the distinction so long given to her. Rhode Island came next to Maryland in the adoption of the principle of Religious Freedom."

The Protestant writer upon whom these writers all rest is Mr. George Bancroft. In the earliest editions of his *History of the United States* Mr. Bancroft wrote: "The asylum of papists was the spot where, in a remote corner of the world, on the banks of rivers which as yet had hardly been explored, the mild forbearance of a Proprietary adopted Religious Freedom as the basis of the State." (1837, Vol. I, p. 244.) Again: "So that upon the 27th of March [1634] the Catholics took quiet possession of the little place, and Religious

Liberty obtained a home, its only home in the wide world." (Same authority, p. 247.) Again: "Maryland, for all its divisions, was the abode of happiness and liberty; conscience was without restraint." (Same authority, p. 252.)

Still more recently, in a book written by a clergyman of the Protestant Episcopal Church, the Rev. C. Ellis Stevens, LL.D., D.C.L., F.S.A., entitled *Sources of the Constitution*, occurs this paragraph: "The boast was wont to be made that the Puritans of New England led the way in establishing by law Religious Toleration. A similar claim is still put forth in behalf of the Baptists of Rhode Island. Truth must award the honor to Maryland, whose action proceeded from a combination of Catholic and non-Catholic conditions."

This note is taken from the first edition of Dr. Stevens's book. Since that issue the book has passed to a second edition, in which the paragraph has been modified, under the criticisms herein presented. The paragraph now reads: "The boast was wont to be made that the Puritans of New England led the way in establishing by law Religious Toleration. A similar claim is still put forth in behalf of the Baptists of Rhode Island and the

Roman Catholics of Maryland. The honor belongs to Rhode Island, where legal action of the colony, proceeding, however, from the coöperation of diverse religious elements, was taken in 1647. The toleration practiced earlier in Maryland was of a limited character." The learned writer has indeed reversed his first statements, giving the credit where it belongs—to Rhode Island. But his statement is still very far from the truth. Religious Liberty was not toleration, nor did toleration exist and was practiced in Maryland before it was practiced in Rhode Island, nor did Religious Liberty arise here from "the coöperation of diverse religious elements." Each Rhode Island town declared for Religious Liberty when first founded, and when these towns united and founded a colony the first declaration, and the last one too, were for Religious Freedom in the broadest sense. Religious Freedom came here with Roger Williams, and was never changed nor abandoned; it came to stay. In his first edition Dr. Stevens says, "Religious Toleration in Maryland proceeded from a combination of Catholic and non-Catholic conditions." In his second edition: "Religious Toleration—the honor belongs to Rhode Island, where

legal action of the colony, proceeding, however, from the coöperation of diverse religious elements, was taken in 1647." What is the difference between "Catholic and non-Catholic conditions" and "diverse religious elements?" In plain English this learned writer says the same first causes, or ideas, which produced a limited toleration in Maryland, produced Religious Freedom in Rhode Island; and this is supposed to be a historical essay. Why does not Dr. Stevens freely and fully give to Rhode Island that which so clearly belongs to her. The errors of his first edition are still being disseminated and working their wrongs, for the public libraries into which it fell will never throw out the old and buy the new edition of the book. The truth unfortunately does not annihilate error; the two run side by side.

In the light of history the claim that Roman Catholics ever even admitted the principle of Religious Liberty, much less planted a State upon that principle at any time or anywhere, is sufficiently astounding; but before proceeding to an examination of the question of priority as between Maryland and Rhode Island, let me devote a paragraph to the Rev. Dr. Conaty.

Toleration was not preached *first* on the shores of Baltimore, if there is any such place; it was preached in England before Father White left England, and it was because it was preached in England, but not practiced there, that Father White found himself in Maryland. The Roman Catholic did not invent toleration. The thing planted in Rhode Island was not toleration; it was Religious Liberty. No Roman Catholic *then* believed in such a doctrine, nor does he *now* believe in it. The Catholics in Maryland never tolerated any religious sect until such sect was first made to pay the cost of supporting the Roman Catholic Church. The Roman Catholic then *tolerated* that which he could not *extirpate*. He holds today the same position. In his view Protestants are all heretics; and in this connection the use of the word "bigot" by Father Conaty is not entirely happy. Webster defines the word thus: "A person obstinately and blindly attached to some particular religious creed, opinion, practice, or ritual." This certainly is not a picture of a Protestant. The authorities cited by Dr. Conaty are wholly useless. Bancroft is solid against him. He has not yet learned of Mr. Bancroft's changes in his edition of 1882. Mr. Fiske has

never published an original research in either Maryland or Rhode Island history, and hence cannot be an authority. Mr. Montgomery is also cited as an authority by Dr. Conaty, but Mr. Montgomery is only a compiler of school books, for which he makes no pretense of original research.

So far as Bishop Spalding is concerned, he drew his authority solely from Mr. Bancroft; and since it will be shown in this Tract that Mr. Bancroft exterminated the clauses from his history, upon which Bishop Spalding rests, which clauses were in only the earlier editions of Mr. Bancroft's history, and in no edition after 1882, it will be seen that Bishop Spalding has nothing whereon to rest his claim.

The article in the *Catholic News* of New York is simply an editorial commendation, or puff, for the paper, written by Dr. R. H. Clarke, above referred to, and for this reason needs no special inquiry.

This Tract will therefore be confined to an examination of two writers—the first, a Protestant, Dr. Stevens; the second, a Roman Catholic, Dr. Clarke; and this is the first time that this question has ever been examined upon its real merits.

II.

THE first proposition in the Stevens extract will not be discussed; it is too absurd for serious consideration. The real questions which will be discussed may be thus divided: 1st. Did Lord Baltimore in founding the Province of Maryland precede Roger Williams in the making of Freedom of Conscience, or Religious Liberty, or Soul Liberty, the basis of the constitution of a State? 2d. Was the principle of Religious Liberty *ever* incorporated into the early constitution of Maryland? 3d. Did *toleration*, even, ever form a part of this Maryland government under the Catholic lords proprietaries?

It is, indeed, true that eminent authority can be cited in support of the claims of these gentlemen; to wit, Mr. George Bancroft. This earnest and laborious scholar wrote these sentences: "The asylum of papists was the spot where, in a remote corner of the world, on the banks of rivers which as yet had hardly been explored, the mild forbearance of a proprietary adopted Religious Freedom

as the basis of the State." (*Bancroft's Hist. U. S.*, 1837, Vol. I, p. 244.) Again: "So that upon the 27th of March [1634] the Catholics took quiet possession of the little place, and Religious Liberty obtained a home, its only home in the wide world." (Same authority, p. 247.) Again: "Maryland, for all its divisions, was the abode of happiness and liberty; conscience was without restraint." (Same authority, p. 252.)

That these apochryphal tales have been copied, either thoughtlessly or by design, into many books of common reference, adds nothing to the weight of authority to be attached to them. It shows either the general laziness or wickedness of compilers. They are all contained in Lippincott's *Biographical Dictionary* and in Appleton's *Cyclopedia*. In this latter book, Vol. III, p. 630, appears the following sentence: "One of the first acts of the Assembly of 1639 was to make the Roman Catholic religion the creed of the State, but permission was given to all bodies of Christians to worship God according to their conscience." There is not a word of truth in any part of that sentence. Neither the Assembly of 1639, nor of any other year, made the Roman

Catholic religion the creed of the State, nor did it then, nor ever, give all Christians (if Quakers can be called Christians) the privilege of worshipping God according to their consciences. In proof of the truth of what is here written, we cite the *Proceedings and Acts of the General Assembly of Maryland, 1637-8, to September, 1664*. In this book the original and only existing authority, at page 40, stands this law: "That Holy Church within this Province shall have all her rights, liberties, and immunities, safe, whole, and inviolable, in all things." (19th March, 1638-39.) This act, but curtailed, was again entered upon the *Records*, at page 83, thus: "Holy churches within this Province shall have all her rights and liberties." Where in that law is the establishment of the Roman Catholic Church as the creed of the State, or the slightest hint at Freedom of Conscience. There is nothing else in the laws of 1639 concerning the matter. But let us get at the question: The Province of Maryland was the creation of a charter granted by the King of England to the Calverts. These Calverts were English, and were Protestants. They dwelt in Yorkshire when George, the first Lord Baltimore,

was born, in 1580. He became a favorite of James I, and was given many positions in the government, until he became one of the principal Secretaries of State, and had been given by this King vast estates in the County Longford, Ireland, with the title of Baron. After the accession of Charles I, Calvert was continued in office, and his estates confirmed and enlarged. In 1625 he avowed his conversion to the Roman Catholic church, resigned, or rather sold, his office of Secretary of State for £6,000 sterling, and was appointed by the king to be a member of the Privy Council. That he made his religion the means of his self-aggrandizement, both in England and in Maryland, there is not the slightest question. Charles I gave to him the charter of Maryland. He had made the Roman Catholic religion his means of grace with these two kings. The original document not being accessible, a transcript was made in 1758 from the original record in the chapel of the Rolls; at the head is written, "*Tertia Pars Patentium de anno Regni Caroli Octavo;*" the document is closed with these words: "*In cujus Rei, &c., T. R. apud Westmonasterium xx Dei Junii.*" These words

make the date of the grant 20th June, 1632. It was written in Latin, and is so printed by Bacon in his *Laws of Maryland at Large*, 1765. From Bacon it was taken by Hazard, and printed in his *Historical Collection of State Papers*, 1792, Vol. I, p. 327; and from Hazard the following extract was taken from this charter, giving all that it contains in relation to Religious Liberty:

“ Et hoc amplius omnium ecclesiarum quas (crescente Christi Cultu et Religione) infra dictam Regionem Insulas Insulas et Limites praedictos futuris Temporibus ædificari contigerit Patronatus et advocaciones una cum Licencia et Facultate Ecclesias Capellas et Oratoria in Locis infra Præmissa congruis et idoneis extruendi et fundandi eaque dedicari et sacrari juxta Leges ecclesiasticas Regni nostri Angliae faciendi Cum omnibus et singulis hujusmodi ac adeo amplis Juribus Jurisdictionibus Privilegiis Prærogativis Regalitatibus

“ And furthermore the patronage and advowsons of all churches which, as Christian religion shall increase within the country- isles, islets, and limits afore, said, shall happen hereafter to be erected; together with license and power to build and found churches, chapels and oratories in convenient and fit places within the premises, and to cause them to be dedicated and consecrated according to the ecclesiastical laws of our Kingdom of England; together with all and singular the like, and as ample rights, jurisdictions, privi-

Libertatibus Immunitatibus
Juribusque regalibus et
Franchesiis quibuscumque
temporalibus tam per mare
quam per Terram infra
Regionem Insulas Insulu-
las et Limites prædictos ha-
bendis exercendis intendis
et gandendis prout aliquis
Episcopus Dunelmensis in-
fra Episcopatum sive com-
itatum Palatinum Dunel-
mensem in Regno nostro
Angliae unquam antehac
habuit tenuit usus vel ga-
visus fuit seu de jure habere
te nere uti vel gaudere de-
buit aut potuit."

leges, prerogatives, royal-
ties, liberties, immunities,
royal rights and franchises,
of what kind soever, tem-
poral as well by sea as by
land, within the country,
isles, islets, and limits afore-
said, to have, exercise, use,
and enjoy the same as am-
ply as any Bishop of Dur-
ham within the Bishopric or
county palatine of Durham
in our Kingdom of England
hath at any time heretofore
had, held, used or enjoyed,
or of right, ought or might
have had, held, used or en-
joyed."

This translation is taken from Almon's *Charters of the British Colonies in America*, London (*circa*), 1776. It is the same as that given by Mr. Preston in his *Documents Illustrative of American History*, N. Y., 1886; but I note an error in date in both books; the true date is 20th June, 1632; Almon gave it as 28th June, 1632, and Preston followed. It is possible that confusion came from the word *octavo*; but this word meant the eighth regnal year of the king who granted the charter.

Certainly no one would undertake to maintain that there was any such thing as Religious Liberty in that clause; nevertheless it contains all that the charter contains upon the matter of religion with the exception of a single paragraph, thus rendered into English:

Provided always that no interpretation be admitted thereof by which God's holy and truly Christian religion, or the *allegiance due unto us, our heirs*, and successors, may suffer any prejudice or diminution.

This clause took from the charter, in which there was *no* Religious Liberty, *all* the freedom of conscience there was. It made "us" (the king) "and our heirs," Roman Catholics, sole arbiters as to what God's holy and truly Christian religion was, and how the consciences of men were bound to interpret it. An ecclesiastic system was created by this charter, worse even than that in England from which the Pilgrims and the Puritans had fled to Holland, and thence to New England, to escape.

There are three words in this clause of peculiar significance, to wit: 1st, *patronages*; 2d, *advowsons*; 3d, *palatine*. The first two words are thus defined: "Advowson is the right of presen-

tation [or appointment] to a church [of a clergyman] or an ecclesiastical benefice [to a clerk]; advowson, *advocatio*, signifies *in clientelum recipere*, the taking into protection, and therefore is synonymous with patronage, *patronatus*; he who has the right of advowson is called the patron of the church; when lords of manors first built churches in their own demesnes, and appointed the tithes of these manors to be paid to the officiating ministers, which before were given to the clergy in common, from whence arose the division of parishes; the lord who thus built a church and endowed it with a glebe, or land, had of common right a power annexed of nominating such minister as he pleased to officiate in that church." (*Blackstone's Commentaries*, Vol. II, ch. 3.) Let the same authority define for us a county palatine: "Counties palatine are so called from *palatio*, a palace; the word *palatium* was applied to Mount Palatine in Rome, because the emperors resided on it and their dwellings became known as palaces; because the owners thereof had in those counties *jura regalia* (that is, rights which pertained to kings) as fully as the king hath in his palace; they might pardon treasons,

murders, and felonies; they appointed all judges and justices of the peace; all writs and indictments ran in their names, as in other counties in the king's name; and all offenses were said to be done against their peace, and not, as in other places, *contra pacem domini regis* . . . These palatine privileges, so familiar to the regal independent jurisdictions, usurped by the great barons on the Continent during the weak and infant state of the first feudal kingdoms of Europe, were originally granted to the counties of Chester and Durham, because they bordered upon the countries of enemies." (*Blackstone's Commentaries*, Vol. I, Introd. sec. 4.)

The charter does not define the conditions for the admission of freemen; hence the conditions lay wholly in the hands of those Roman Catholic lords; "full and absolute power" was given those lords to "ordain, make, enact, and publish any laws whatsoever," either of a public or private character, "by and with the assent and approbation of the freemen or their delegates, who were to assemble "in such sort and form as to him [the Roman Catholic lord] and them shall seem best;" without "him" the freemen

could not assemble. But without reference to the freemen, this autocrat could make all ordinances for the internal government of the province. The force of the word, "ordinances," appears clearly when Mr. Johnson defines the "Holy Church" law of 1638-39 as a "great ordinance." (*Foundation of Maryland*, p. 50.) And without his assent all the freemen in the province, in one body, could make no law, for he possessed an autocratic veto power which no vote could overcome.

In church matters *all* advowsons belonged to these Roman Catholic lords, which means that the entire cost of supporting churches could be and was placed upon glebe lands; and since these churches were of necessity placed in the midst of communities, and were all, without a single exception, Roman Catholics, it followed that a community largely Protestant were by arbitrary laws obliged to support a Roman Catholic priesthood. In case they wished a Protestant church they could build one, provided any money was left to them, and the necessary consent of the Roman Catholic lord obtained. Such was the Religious Liberty conferred upon the people of Maryland by the charter. And yet we are told

that by law this great right was conferred. One writer says, "Liberty of Conscience, in 1649, followed as the irresistible logical consequence of this great ordinance of 1638-39." (*Johnson's Foundation of Maryland*, 1883, p. 50.) I have already printed this law, but it is short, and I will reproduce it. Here it is: "Holy Church within this province shall have all her rights, liberties, and immunities safe, whole, and inviolable in all things."

Johnson, whom I have quoted, prints but half the law, suppressing the vital part, "inviolable in all things." This law is printed twice in the *Record*, and in two different forms, as I have shown above; another fact to which Johnson makes no allusion. But look at the ambiguity. What "Holy Church" is meant? And who but a Roman Catholic lord has the decision of the question? Nobody. How much Religious Liberty, then, came by law to the people of Maryland before 1650? Not the slightest particle. Mr. Johnson, above quoted, says (p. 30), "The charter was then considered and *treated* as securing Liberty of Conscience to Roman Catholics . . . and toleration for Roman Catholics carried with it of necessity toleration for all Christians." Such

is the sophistry with which the establishment of Soul Liberty in Maryland has been maintained. It is thus clearly demonstrated that neither Religious Liberty, nor even toleration, was engrafted into the constitution of Maryland by the charter, nor by laws made wholly by Roman Catholics. Let us continue the inquiry by endeavoring to discover whether it came by the administration of the Roman Catholic lord proprietary or whether it came by the Act of Religion of 1650.

It has been clearly demonstrated that Religious Liberty came not to Maryland by any provision contained in the charter of 1632. It is also demonstrated that Religious Liberty came not to Maryland by the law of 1639; and since there exists no other law upon the subject before that known as the law of 1649, it cannot be claimed that any such condition existed, unless it can be shown that, with no obligation in their charter, and in possession of autocratic control over all legislation, these Roman Catholic lords, voluntarily of their "own mere motion," introduced such conditions by the administration of government. This inquiry will then follow this administration of government—the political conditions of the

people, their religious tendencies, the origin of the Act of Religion of 1649-50, and an analysis of its provisions; but let me first recur to historical citations:

"Upon the 27th of March [1634] the emigrants, of whom by far the larger number were Protestants, took quiet possession." (*Bancroft's Hist. U. S.*, latest ed., Vol. I, p. 160.) Again: "In the mixed population of Maryland, where the administration was in the hands of Catholics, and the very great majority of the people were Protestants." (*Bancroft's Hist. U. S.*, latest ed., Vol. I, p. 166.) Again: "In 1675 the Protestants, now numbering about twelve to every Catholic, were persecuted and in peril." (*Browne's Hist. of a Palatinate, Maryland*, p. 128.)

Thus these people stood in relation to numbers. Concerning their characters and political affiliations an authority says: "The colonists, being Catholic refugees, were accustomed to arrange themselves as supporters of the monarchy and aristocracy." (*Bozman's Hist. Maryland*, 1811, Vol. I, p. 286.) The few men with money were Roman Catholics, and in their hands the King of England had placed the political power and the government,

while the great majority, and always increasing in number, were poor and Protestant, and had no part whatever in the government. The party landed, the Jesuit Fathers set up a cross, said mass, and the people began the settlement. Nothing whatever is known of Religious Liberty there save what these Jesuit Fathers have sent down to us. Let me give you a few specimens from Father White's *Relation*. This Jesuit priest was the chief in charge of the religion of the province, brought out by Lord Baltimore with his first shipment of settlers. Father White says (p. 19), "On the day of the Annunciation of the Holy Virgin Mary, on the 28th of March in the year 1634, we offered in this island for the first time the sacrifice of the mass. Sacrifice being ended, having taken upon our own shoulders the great cross which we had hewn from a tree, and going in procession to the place that had been designated, the Governor, Commissioners, *and other Catholics* participating in the ceremony [where did the Protestants come in], we erected it as a trophy to Christ the Saviour while the litany of the Holy Church was chanted." The next year (1635) Father White says, "From this mission

there has as yet been but small fruit . . . there are five members in it, three priests and two coadjutors" (p. 24). The next year (1636) Father White says, "There are in this mission four priests, with one temporal coadjutor;" the records show no converts. For 1637 he has no entry; but for 1638 we have this very extraordinary statement: "Four priests and one coadjutor in temporal affairs had care of this mission" (p. 25) . . . ; "in the interim we are more earnestly intent on the English, and, since there are Protestants as well as Catholics in the colony, we have labored with both, and God has blessed our labors; for of the Protestants who came from England this year [1638] almost all have been converted to the faith, besides many others, with four servants that we bought for necessary use in Virginia, another colony of our empire; and of five workmen whom we hired we have gained two." Therein consists all the Religious Liberty which those Jesuit Fathers have sent down to us as existing in the original constitution of the province; but as time elapsed the legislative and judicial records, recently for the first time accessible, afford us an inkling. Let us recur first to Mr.

Browne. This author is the librarian of Johns Hopkins University, Baltimore, Md. He is the person appointed by the State, under the auspices of the Historical Society, to supervise the publication of the early archives of the State. His book, *History of a Palatinate*, is the latest writing upon the subject, and he is the first writer who has had almost unlimited access to original sources. It is with satisfaction, therefore, that I cite him. Mr. Browne describes the calm and peaceful administration by this Roman Catholic government thus (*Hist. of a Palat.*, p. 70): "Before the Claiborne Rebellion [1645-47] we scarcely hear of religious differences; two small exceptions (the cases of Lewis and of Gerrard) confirm the fact." But Mr. Browne (*Hist. of a Palat.*, p. 66) makes another and very different statement, thus: "In 1648 Baltimore, probably to remove a source of discontent in the province, and in part to stop the mouths of his enemies, who never wearied of representing Maryland as the stronghold of popery, in which Protestants were subject to persecution and oppression," etc. Which of these conditions is true I will not stop to inquire; certainly both cannot be true; but a condition of rebellion existed which

had driven the Roman Catholic lord entirely out of the government. Let us first examine the Lewis and the Gerrard^d cases mentioned here:

The first was against one Lewis, a Catholic; he was charged with using opprobrious epithets to two servants for reading *Smith's Sermons*, a Protestant book, and for speaking of Protestant ministers as being "devils," found guilty, and fined 500-weight of tobacco, to be paid, not to the ill-used servants, but to the Roman Catholic Lord Proprietary. The affair took place in 1638. I do not see the force of this act as indicating Religious Liberty. One Catholic was forced to pay another Catholic for calling Protestant ministers "devils." It was a restriction of Religious Liberty, just such a restriction in its essential principle as the government now imposes upon Mormons, that species of "religion" which permits a masculine Mormon to have seventeen wives, and restricts a feminine Mormon to one husband. All that this case proves is that Lord Baltimore loved money.

The second case is that of Gerrard. This person took the keys of a church and some property out of the church. He was a member of the General Assembly, to which body a petition was

sent asking relief. The *Record* says this petition was "In the name of the Protestant Catholicks of Maryland." Of what religion were the petitioners? This was not a judicial trial; simply a case in the General Assembly. Gerrard was not ordered to return the property which he had seized; he was simply directed to give five hundred pounds of tobacco "toward the maintenance of the first minister that should arrive." It was merely a farce. It took place in 1642, and it only proves that no Protestant minister had yet arrived in that land of Religious Liberty. (For this case see *Proceedings and Acts of the General Assembly*, 1637-38 to September, 1664, p. 119.) Today in Rhode Island no Roman Catholic would be allowed, under the laws, to seize the keys of the cathedral and remove personal property from the building.

Then continues Mr. Browne (p. 71): "Down to this time [1642] there was no Protestant clergyman in the province"—nor, in fact, a Protestant church. Look at the facts. Lord Baltimore, a Roman Catholic, had established under his charter a government in which not a church could be built nor a religious society exist without his permission; and, holding in his hand the appointment of every

clergyman or minister, had so administered Religious Liberty in Maryland that during the first ten years (1632-42) not a single Protestant Church had been established, nor a Protestant minister been invited or had attempted to dwell within the province. In the light of such a history, what becomes of Bishop Spalding's statement that this *de jure* Roman Catholic but *de facto* Protestant Colony of Maryland "was the first in all the world to make Freedom of Conscience an organic part of the constitution of a State"? It is pure nonsense, and so, too, is this bishop's other statement, that the Roman Catholics founded one of the thirteen colonies. They did nothing of the kind. This Roman Catholic lord proprietor, Baltimore, apparently spent about as much time going about his province setting up Protestant Churches as Bishop Spalding spends now in the same pursuit in his diocese of Peoria.

Religious Liberty had nothing to do with the purposes of these Catholic barons, who became princes. In fact, a majority of them never saw Maryland. "There were six Lords Baltimore and six proprietaries; the first lord, George, was not a proprietary; the last proprietary, Harord, was not

a lord. Of these seven persons, the first, third, fifth, and seventh visited Maryland; the second, fourth, sixth did not." (*Browne's Hist. of a Palat.*, p. 126.) Mr. Browne makes this error: The first lord, George, did not visit Maryland; he visited a tract of land which subsequently became Maryland, but when he saw it it was not peopled, and it was before the granting of the charter. Of these seven Roman Catholics who for nearly a hundred and fifty years sapped the pecuniary resources of Maryland, four never saw the colony. They were in the business simply to make money; they staid at home in Ireland or England, and by means of satraps drew every cent possible of the earnings of the settlers. They traded toleration in religion for quit rents, as it was in the case of the Puritans, who, banished from Virginia, went to dwell upon the lands of Lord Baltimore; but more of this hereafter. The mature conclusions upon this point, reached by Mr. Bancroft and published in the latest revision of his *History of the United States*, all point in this direction. Here are some of them: "Sir George Calvert [who, by the way, never visited the colony] was among the wisest and most benevolent of lawgivers, for he connected his hopes

of the *aggrandizement of his family* with the establishment of popular institutions." (*Hist. U. S.*, 1882, Vol. I, p. 158.) Again: "He [Cecil Calvert] planted a colony which for several generations descended as a *lucrative patrimony* to his heirs." (Same book, p. 159.) Again: "To this right of pre-emption Lord Baltimore would suffer no exception; the Jesuits had obtained a grant of land from an Indian chief; the proprietary, intent upon his own affairs [aggrandizement], and not fearing to violate the immunities of the church, would not allow that it was valid, and persisted in enforcing against Catholic priests the necessity of obtaining his consent before they could acquire real estate in his province, in any wise, even by gift." (*Bancroft's Hist. U. S.*, latest edition, 1882, Vol. I, p. 165.) (Also *Browne's Hist. of a Palat.*, pp. 55, 56.)

This brings us down to the revolt generally styled the Claiborne Rebellion, which took place about 1646. It is beyond question that down to this time nothing bearing the slightest resemblance to Religious Liberty, or even to general toleration, can be found, neither in the organic structure nor in the practical administration of government, all modern writers of history of whatever kind to the contrary

notwithstanding. It is now necessary to consider for a moment the Claiborne Rebellion, for the reason that what is commonly termed the Great Act of Toleration, but which was in reality called in the thing itself *An Act concerning Religion*, was a compromise, and was an outcome of this rebellion. Claiborne, a young Englishman, came out to Virginia about 1621, a dozen years before the Calverts came. He had been appointed by Charles I, Secretary of State for the "Kingdom" of Virginia, and under that same king held a royal license to trade and to make discoveries. For the purposes of trade Claiborne acquired a title, by a friendly agreement with the Indian aboriginal owners, to an island, which he named Kent Island. This title was acquired previous to the granting of the Maryland charter, and the island occupied for several years by Claiborne's people. The proprietary claimed everything in sight under his charter, dispossessed the Claiborne agents, and took possession of Kent Island, and Charles I upheld the proprietary. Here, in passing, I note another radical difference between the views of these Maryland Catholic proprietaries and those of the founders of Rhode Island as to the manner of

obtaining Indian lands. These Catholics held that the English king could seize the fee from the Indians and bestow it upon such as he chose. Williams held that the Indian should be paid for his land. There was in Anne Arundel County a settlement named *Providence* (the Anapolis of our day). Certainly, in the light of history, a most significant name. There had been before 1643 a settlement of Puritans in Virginia. As an exemplification of Religious Liberty, Virginia enacted a law expelling them from the colony. They sought refuge in Maryland, the nearest lands to them which were held by Englishmen, and were admitted by the Catholic proprietary; the conditions being that so long as the Puritans were faithful to the Catholic lords, and paid the quit rents, they might have Freedom of Conscience—terms which Mr. Browne says “they accepted with gladness.” (*Hist. of a Palat.*, p. 75.) Had Religious Liberty formed the basis of the State, as Bishop Spalding says, why was it thus necessary to make concessions to these particular Puritans of Freedom of Conscience? If Religious Liberty existed in 1646, why was it necessary to specifically “assure” it to those particular Protestants? Almost immediately

these Puritans joined forces with Claiborne in rebellion against the Catholic lords. If things were so serene, why did they do this? But things connected with these questions have been handled very loosely. This rebellious condition of affairs continued until 1649, when the act concerning religion was passed by the Assembly. If such a thing as Religious Liberty had before existed in Maryland, why enact the law? Let me now give you the law itself; but before I reproduce it I note an error in the date as it is commonly given to us. All writers speak of it as the law of 1649. It did not finally become a law until the 26th of August, 1650. (*Proceedings and Acts of the General Assembly of Maryland, 1637-64.*) The clauses in this law on which rests whatever there is, and all there is, in the early legislation of Maryland in support of Religious Liberty, or Freedom of Conscience, or Soul Liberty, or Toleration, are as follows:

That whatsoever person or persons within this Province and the Islands thereunto belonging, shall from henceforth blaspheme God, that is curse him, or deny our Saviour Jesus Christ to bee the sonne of God, or shall deny the holy Trinity, the ffather, sonne, and holy Ghost, or the God head of any of the said three persons

of the Trinity or the Unity of the Godhead, or shall use or utter any reproachfull speeches, words, or language concerning the said Holy Trinity, or any of the said three persons thereof, shall be punished with death, and confiscation or forfeiture of all his or her lands and goods to the Lord Proprietary [Calvert] and his heires (p. 244).

That whatsoever person or persons shall from henceforth use or utter any reproachfull words, or speeches, concerning the blessed Virgin Mary, the mother of our Saviour, or the holy apostles, or Evangelists, or any of them, shall in such case for the first offence forfeit to the said Lord Proprietary and his heirs the sume of ffive pound sterling (p. 244).

That whatsoever person shall henceforth upon any occasion, declare, call, or denominate any person or persons whatsoever inhabiting, residing, traffiqueing, trading, or comering within this Province, or within any of the Ports, Harbors, Creeks, or Havens to the same belonging, an heritick, Scismatick, Idolator, Puritan, Independent, Prespiterian, popish priest, Jesuit, Jesuited papist, Lutheran, Calvenist, Anabaptist, Brownist, Antinomian, Barronist, Roundhead, Sep'atist, or any other name or term in a reproachfull manner relating to matter of Religion, shall for every such offence forfeit the sume of tenne shillings sterling (p. 245).

And it is further enacted that —

Whereas the inforcing of the conscience in matters of Religion hath frequently fallen out to be of dangerous consequence in those commonwealths where it hath been

practiced, and for the more quiet and peaceable government of this Province, and the better to preserve mutuall Love and amity amongst the Inhabitants thereof; Be it therefore also by the Lord Proprietary with the advice and consent of this Assembly, ordeyred and enacted, (except as in this present act is before declared and sett forth,) that noe person or persons whatsoever within this Province, or the Islands: Ports, Harbors, Creeks, or havens thereunto belonging, professing to believe in Jesus Christ, shall from henceforth bee any waies troubled, molested or discountenanced for or in respect of his or her religion (p. 246).

Of course there is no such thing as Religious Liberty, nor Toleration, in that statute. Neither Quaker, nor Deist, nor Jew, nor Mohammedan, nor Unitarian, nor Universalist, nor Pagan, could dwell in that land of "Religious" Liberty. Now look at what followed. The Toleration Act settled nothing. Less than four years after the enactment of this law (1654) a law was enacted which declared, "That none who profess and exercise the Popish Religion, commonly known by the name of the Roman Catholic Religion, can be protected in this Province." (*Proceedings and Acts of the Maryland Gen. Assem.*, 1637-64, p. 341.) The index to this volume has this entry concerning this law: "Repealed, 1657, p. 357," but an examination of

the entries of 1657 does not disclose the fact. Let me cite one more specimen of this Maryland Religious Liberty and I have finished. In 1658 Thurston and Cole, two Quakers, were arrested for seducing the people at Annarundell (*sic*), and punished (same authority, p. 348), and in the following year (1659) a general statute against the Quakers was enacted. (Same authority, p. 362.) So things continued, ever fluctuating, until 1692. In that year an Act for the Service of Almighty God, and the establishment of the Protestant religion in the province was enacted. It provided for the levy of a tax upon everybody for the support of the clergy of the Church of England. (*Bacon's Laws of Maryland*, 1692, ch. 2.) Ten years later, in 1702, came another act for the establishment of religious worship in the province according to the Church of England. A tax of forty pounds of tobacco upon every poll in the province was levied every year for the support of the clergy of the Church of England, the reparation of their churches, "or other pious uses." (*Bacon's Laws of Maryland*, 1702, ch. 1.)

Even so late as 1817 Religious Liberty had not found a place in the constitution of Maryland. In

that year Mr. E. S. Thomas (father of the well-known Isaiah Thomas of Worcester, Mass.), who dwelt at Baltimore, and was a member of the General Assembly, made an attempt to repeal the clause in their constitution which imposed disabilities upon the Jews. The attempt failed. The following year Mr. Thomas again attempted the repeal, and succeeded. (*Thomas's Sketches of His Life and Times*, p. 92; also *Thomas's Reminiscences*, p. 110.)

The constitution of Maryland then in force had been adopted by the people in 1776. It provided, in the thirty-third article of the Bill of Rights, that "all persons professing the Christian religion are equally entitled to protection in their Religious Liberty." This prohibited Jews, Quakers, Moham-medans, Pagans, Universalists, and Unitarians from "worshipping God in such manner as such men thought most acceptable." Nevertheless, under this constitution such men were liable to be taxed, and were taxed "to support the clergy of the Church of England in this province." (*Jackson's Constitutions of the Independent States of America*, London, 1783, pp. 243, 244.) In 1818 a Roman Catholic was liable to be taxed, and in fact was

taxed, to repair the Church of England churches in Maryland. Religious Liberty, or Freedom of Conscience, as Bishop Spalding styles it, had not even then reached Maryland.

Thus we have seen this Maryland Colony, always largely Protestant numerically, governed in the beginning wholly by Roman Catholics, and those Protestants heavily taxed to support a Roman Catholic priesthood. The Claiborne Rebellion resulted in the compromise Act of Religion, whereby certain sects, but not all, were tolerated, but glebe lands for Roman Catholic churches were continued. In 1654 the Roman Catholics in turn were given adverse statutes, and Quakers the same soon after. Finally the Church of England was made the State church, and every soul, Protestant as well as Roman Catholic, was taxed in support of their clergymen and to build and repair their churches. There was never any such principle as Religious Liberty, or Freedom of Conscience, or Soul Liberty in the province. Toleration of a limited character, to a limited extent, was there from first to last, provided you paid sufficiently to the Roman Catholic lords proprietors to get it, but nothing of the Roger Williams type.

III.

WE will now enter upon an examination of the claims set forth by Dr. Clarke in the *American [Roman] Catholic Quarterly*, in April, 1895.

We would not willingly deny to anybody the glory which fairly belongs to him for the performance of any generous or rightful action; but when a claim is made by the Roman Catholic church, or by members of that sect in behalf of the church, that Religious Liberty, as separated from State government, was first proclaimed by that church in the Colony of Maryland, and hence in all the world, in 1634, the proposition strikes us as preposterous. The landing and settlement of Maryland took place in 1634. [On the 12th of April, 1631, according to Governor Winthrop (Vol. I, p. 53), a letter was written to Mr. Endicott, by order of the General Court of Massachusetts, in which the Court charged Williams with having "declared his opinion that the magistrate might not punish a breach of the Sabbath, nor any other offence, as it was a breach of the first table" (*Knowles's Mem-*

oirs of Williams, p. 45). The first two tables were the moral law—the first four of the ten commandments. Thus was laid down by Roger Williams in Salem, Mass., in 1631, three years before the ships of Lord Baltimore left the shores of England, “the doctrine that man is accountable to his Maker alone for his religious opinions and practices, and is entitled to an unrestrained liberty to maintain and enjoy them” (*Knowles's Memoirs of Williams*, p. 48).] Sixty-two years before that event, in 1572, took place the massacre of St. Bartholomew, in which the Roman Catholics undertook, by murder, the extirpation of all Protestant heretics. Fifty-one years after the settlement of the Maryland Colony, in October, 1685, the Edict of Nantes was revoked, and every Protestant who could leave Europe fled to America. Did a single one of these refugees seek an asylum in Maryland? Not one.

If this learned doctor writes the truth, at the very moment when these Jesuits were founding a colony (Maryland) on the basis of Religious Liberty, their brethren in France were attempting the extirpation of the Jansenists, whom they described as a species of Puritans saying mass; in 1653 Inno-

cent X condemned Jansen's treatise, *Augustinus*, because of its religious heresies. While Lord Baltimore was planting, it is claimed, Religious Liberty in Maryland, Bossuet, renowned equally for his eloquence and his intolerance, was thundering his anathemas against every Protestant heretic. Five years after Roger Williams died (in 1683) Bossuet published his bitterest work against Protestants. At the very moment when it is alleged that these Roman Catholics were planting Religious Liberty in Maryland, their brethren in Spain, under a successor of Torquemada, were sending thousands of men and women to the prisons, or to banishment, or to be burned at the stake solely for heresy in matters of religion. There were men living in England, at the time this Roman Catholic was alleged to be planting Religious Liberty in Maryland, who could remember the atrocities of the English Roman Catholic Bishop Bonner (the Bloody Bonner), whose diocese, Hereford and London, was celebrated for the numbers of Protestant heretics who were burned at the stake within it. We would not harrow the souls of the righteous, but we are asked to believe that while a church was permitting these things in Europe it was planting

a colony on the basis of Religious Liberty in America. Such were the real conditions among European Roman Catholics when Maryland was planted, immediately before it took place, while it was taking place, and following it. The history of this extraordinary "spasm," as given by Doctor Clarke, if not positively convincing, is sufficiently entertaining to merit a passing note. But for another reason this essay requires examination; to wit, to illustrate the construction, or selection, or use of authorities, and the method of reasoning based upon them by those Roman Catholic writers. Let us, then, examine the claims of this learned writer.

He says: "It has always been the proud boast of Catholics in America that the first example among the original thirteen colonies, of a State, in an age of persecution, laying its very foundation upon the broad principle of Religious Liberty was the [Roman] Catholic Colony of Maryland." Again: "Lord Baltimore *announced as the fundamental law of his colony* that he would not himself, nor by any person, directly nor indirectly, trouble, molest, or discountenance any person whatever in the said province professing to believe in Jesus

Christ." Again: "Roger Williams, too, in the *same spirit of benevolence* laid the foundations of his colony on the announcement that its citizens owed obedience to the civil authority represented by the majority only in civil matters." Again: "Some twenty years ago [hence in 1875] an attempt was made in Protestant sources on both sides of the Atlantic to dispute the claim of [Roman] Catholic Maryland to the meed of praise which the *voice of history had always* given to her and to Lord Baltimore without previous contradiction, but it was promptly met and refuted by a descendant of one of the [Roman] Catholic founders of Maryland." The name of the author of this "triumphant vindication" the learned doctor does not give to us. Again: "In the present paper the writer proposes to show that although Maryland was not the only one of the old thirteen to build the commonwealth on the basis of Religious Liberty she was the first." Again: "The earliest date assigned for the foundation of Rhode Island as a new colony, and consequently for the first possible act of Roger Williams in favor of Religious Liberty, was 1636." . . . "This certainly was a charter of Religious Liberty" . . . this "being placed in 1636, *our* his-

tory will clearly demonstrate that Religious Liberty in Maryland was of a prior date." Again: "While Religious Toleration in Rhode Island unquestionably and admittedly dates its beginning with this compact, it would be a grave historical error to assign the beginning of Religious Liberty in Maryland to the year 1648." Thereupon the learned doctor reproduces the original Rhode Island compact, in which the settlers submitted themselves "only in civil things" and thus comments upon it. "From this the inference is conceded fairly that they *were free in all religious matters*," and then this vivacious writer continues thus: "The Maryland oath [*not the charter*], however, ran as follows: 'I do further swear that not by myself nor any person, directly nor indirectly, trouble, molest, or discountenance any person whatever [whatsoever] in the said Province professing to believe in Jesus Christ, and in particular no Roman Catholick, for, or in respect of, his or her religion nor his or her free exercise thereof within [the said] Province.'" Thus the learned doctor admits that Religious Liberty came to Rhode Island in 1636, but he carefully refrains from giving any *fixed date* when it came to Maryland, leaving us to

infer that, by a *certain oath* which he twice prints, and which he says, "Lord Baltimore announced as the fundamental law of the colony." He thus admits that Toleration, or Religious Liberty—for he plays fast and loose with these terms as if they were synonymous—*came not* by the charter, with the colonists in 1634, nor does he tell us that this oath, by which he says it came, was not made until 1648, fourteen years after the colony had been planted. If Lord Baltimore had so planted his colony in 1634 why was this oath necessary in 1648? This oath was prepared by the lord proprietary (Baltimore) to be administered to W. Stone, his lieutenant, on the 17th August, 1648. (*Proceedings of the Council of Maryland*, 1636-67, pp. 209-210; first published at Baltimore, 1885.) It was the result of the compromise which followed the Claiborne Civil War, and was the precursor of the Act of Religion, which the learned doctor re-prints entire. The learned doctor fails to inform us why this Act of Religion was necessary in 1648 if the oath which he recites was actually used in 1634. Having given the law of 1648-49, the learned doctor proceeds: "The true question now arises, What was the law in respect to Religious

Liberty in Maryland prior to 1648-49?" Just here the learned doctor fails to enlighten us. He cites no laws, for the very good reason that there were no laws nor ordinances enacted save that of 1639 hereinbefore cited and printed; but he cites Lord Baltimore's instructions to his first governor at his departure in 1633. The Protestants on these ships were as two to one in numbers, and Baltimore directed "that no scandal or offence be given to any of the Protestants whereby any just complaint may hereafter be made in England, and for that end they cause all acts of Roman Catholique Religion to be done as privately as may be, and that they instruct all the Roman Catholiques to be silent upon all occasions of discourse concerning matters of religion, and that the said Governor treat the Protestants with as much mildness and favor as justice will permit." In the meantime he taxed these Protestants to build Roman Catholic churches and support Roman Catholic priests. The only Religious Liberty here was given to Roman Catholics. No toleration of Protestant worship was guaranteed either on sea or on land, and none took place. The learned doctor then enters upon a verbose and eulogistic account, on many pages,

of Lord Baltimore and his sublime idea—an idea, by the way, which he never possessed, and then closes by calling to his aid the “voices of history.” These voices, he informs us, comprise John G. Shea’s *History of the Catholic Church* (1856); Arnold’s *History of Rhode Island* (1859); Henry Cabot Lodge’s *History of the English Colonies in America* (1881); Scharf’s *History of Maryland* (1879); Wynne’s *History of America* (1776); B. T. Johnson’s *Foundation of Maryland* (1883); Chalmer’s *Political Annals* (1780); Story’s *Commentaries on the Constitution* (1833); and Bancroft’s *History of the United States, Latest and Best Edition* (1854), (*sic*). Thus the learned doctor makes Bancroft’s discarded sentences, used in the early editions, and which in his later years he rejected, support principles which Bancroft denied existed. First, in all these names not a single *original* authority is cited; all are men, like the learned doctor himself, who wrote only what they thought they knew, through some former writer, and who, like the learned doctor himself, may have been wrong. As to the antiquity of this claim by Roman Catholics, observe: The most ancient is Wynne (1776), now a discarded writer; the next,

Chalmers, a Scotchman, who came to Maryland, in 1770, became a Tory, who fled when the Revolution, which resulted in independence, and which overthrew Lord Baltimore, had become an assured success (1780). These are the *most ancient* of his authorities.

Not the least interesting thing connected with this learned doctor's paper is the way in which he uses these writers. Right here, however, I deny that any historical fact can be established by any array of the knowledge of men, writing after the fact, who were not witnesses of the fact. All that these men could know was what they had read, and not one of them, writing before 1883, had ever seen nor knew anything about the earliest Maryland *Records*. What I now intend to show is that the learned doctor's citations do not sustain him. He thus quotes Mr. Henry Cabot Lodge: "In Lodge's *History of the English Colonies in America* (Protestant) we read: 'Yet there can be no doubt of the fact of Religious Toleration in Maryland at the outset.' Where was Rhode Island then?" Here is what Mr. Lodge really said: "In a word, there was no toleration in the Maryland charter. George Calvert was too astute a man, and had led

too worldly a life to risk a great enterprise by any talk about toleration. He believed in toleration because men of his creed were oppressed; but that he believed in it as a great general principle is to give the lie to his whole life. . . . Yet there can be no doubt of the fact of Religious Toleration in Maryland at the outset, and there were two very good reasons for its existence. The all-powerful lord proprietary and the principal men in Maryland were Catholics, and Catholicism was oppressed and hated in England. To oppress Catholics would have been gross folly on the part of the Protestant colonists; and to oppress Protestants would have been ruin to the proprietary. Religious Toleration in Maryland must be attributed solely to the very commonplace law of self-interest; and that this theory is the correct one the subsequent history of the colony amply proves." (*English Colonies in America*, 1881, p. 97.) Evidently Mr. Lodge has failed to grasp Lord Baltimore's sublime idea.

I remember a little book written by one Amelia Opie; the opening sentence of the first chapter thus begins: "What constitutes lying? I answer, the intention to deceive. If this be a correct definition, those who withhold the truth, or do not

tell the whole truth with an intention to deceive, are guilty of lying." I can but think that when the learned doctor thus quoted from Mr. Lodge, and indeed from all those writers which herein are shown, he did it with full knowledge and with intent to deceive.

Another authority cited by Dr. Clarke (p. 312) is Judge Story, in his *Commentaries on the Constitution*, thus: "It is certainly very honorable to the liberality and public spirit of the proprietary [Lord Baltimore] that he should have introduced into his fundamental policy the doctrine of general toleration and equality among Christian sects [for he does not appear to have gone further], and thus have given the earliest example of a legislator inviting his subjects to the free indulgence of religious opinion. This was anterior to the settlement of Rhode Island, and therefore merits the enviable rank of being the first recognition among the colonists of the glorious and indefinable rights of conscience." Judge Story is, when correctly cited, certainly a commendable authority. Here he claims Toleration, but denies Religious Liberty. There was, indeed, Toleration to Church of England members and Religious Liberty for Roman Catholics,

but to nobody else. Judge Story's *Commentaries* were first published in 1833; Mr. Bancroft's *History* in 1834. Both drank from the same pool of error. Mr. Bancroft lived to correct his work; while Story died before the truth was discovered, and so he must forever hereafter be cited in proof of the truth of a false statement, which, were he living, he would be the first to deny and correct.

Dr. Clarke falls back heavily upon George Chalmers. His *Political Annals* was published in London in 1780. Nevertheless, Dr. Clarke says, "Chalmers adds his testimony to Bancroft." How this could be, if Bancroft wrote in 1854, as Dr. Clarke says, it is a trifle difficult to understand. Here is how Chalmers supports Dr. Clarke: "The first emigration, consisting of about two hundred gentlemen of considerable rank and fortune, with their adherents, who were chiefly Roman Catholics" (p. 207). "And the Roman Catholics, unhappy in their native land, desirous of a peaceful asylum in Maryland, emigrated in considerable numbers" (p. 20). They must have done so, for Mr. Chalmers writes, after thirty-four years of emigration: "The province had been [1676] divided into ten counties. It then contained about 16,000

inhabitants, of whom the Roman Catholics were to the number of Protestants in the proportion of one to a hundred" (p. 207). "There were no [Protestant] parishes laid out, nor churches erected, nor public maintenance granted for the support of a ministry [save the Roman Catholic priests]; there were then [thirty-four years after the settlement] in Maryland only three clergymen of the Church of England" (p. 363). Mr. Chalmers then gives this extract from a letter written by a clergyman of the Church of England, one of the three then in Maryland, the Rev. John Yeo, illustrative of the condition of religious things in the province: "The Lord's Day was openly profaned, religion despised, every notorious vice committed; the province is become a Sodom of uncleanness, a pest-house of iniquity." Concerning Mr. Yeo, whose letter he prints (p. 375), Mr. Chalmers says: "He was well assured of what he wrote" (p. 363). Precisely four lines further on in his "history" Mr. Chalmers writes concerning this same Mr. Yeo's letter: "In all likelihood this hideous picture is greatly overcharged." These things show the absolute worthlessness of Mr. Chalmers as a historical writer. The learned doctor not only quotes Bancroft in

matters which Bancroft has himself denied, but he badly mixes up his various editions thus : He says the first edition of *Bancroft's History of the United States* was published in 1854, and that the centennial edition was published in 1883. The first edition, in which Maryland matters are told, was published in 1835; the *centennial*, in 1876; the final revision, in 1883; and yet he says Chalmers, in 1780, adds his testimony to Bancroft in 1854. In quoting Mr. Bancroft it is of the first necessity to be accurate, *in editions*. As Mr. Bancroft obtained access to hitherto inaccessible original sources he corrected his history.

Another writer on whom the learned doctor places much reliance is Mr. J. T. Scharf—a *History of Maryland*, published in 1879. This is one of those three-volume histories with which this country has been flooded in recent times, conglomerate as to internal structure. Nevertheless, Mr. Scharf does not sustain the learned doctor, for he reaches the conclusion that neither to the letter of the charter, nor to Protestant, nor Catholic as such, is the credit of Maryland toleration, such as it was, due. (See *The Nation*, March 18, 1880.)

His next authority is Bradley T. Johnson : "Gen-

eral Bradley T. Johnson, who has thus nobly written in defense of the prior claim of our Catholic ancestors as the *first to proclaim Religious Liberty* in the New World, though a Protestant, is the same distinguished citizen of Maryland who recently presented to His Eminence Cardinal Gibbons a casket made of the wood of the 'Old Mulberry Tree,' at St. Mary's, under whose branches, in 1634, the first mass was celebrated and the first official announcement in Maryland was made that the basis of the new commonwealth was Civil and Religious Liberty" (p. 310). The reply to this consists, *1st*, in the fact that no mulberry trees existed on the island; *2d*, that the first mass was not said at St. Mary's, but at St. Clement's; *3d*, the first act on landing was not the saying of mass, but the erection of a "fort to prohibit foreigners from the trade of the river." (See *White's Relation, Force's Tracts*, p. 19.) The announcement of Civil and Religious Liberty, which the learned doctor says was made at that time, is pure and unadulterated fiction. But let us come to what Mr. Johnson actually said. Here are a few specimens :

"His object was the location of the proposed

Roman Catholic Refuge" (p. 21). "This attempt was made to provide a country where Roman Catholic Englishmen might live and enjoy the liberty and institution of their ancestors" (p. 20).

"Lord Baltimore, being a devout Catholic, to provide a refuge for his oppressed co-religionists, founded a Catholic Colony" (p. 7).

"This colony had been undertaken with the advice, coöperation, and support of the society [of Jesus] and its great heads in England and in Rome" (p. 95).

"The population, overwhelmingly Protestant, were restless and dissatisfied" (p. 95).

"While his province was thus torn by religious feuds between Lewger [a recently converted Romanist] and the Jesuits, Roman Catholics, and Protestants" (p. 96).

"It is manifest that Lord Baltimore would never in 1637 or 1638 have dreamed of establishing the Roman Catholic Church by law in an English province, when the celebration of the mass was a capital felony in England" (p. 52).

Father White, in 1641, in transmitting cases to Provincial Blount of England for advice, says: "And

whereas three parts of the people in four at least are heretics" (p. 32). In a land of Religious Liberty!

"The first colony was numerically Protestant. Politically, socially, and religiously it was Roman Catholic. The physical power was Protestant. The political control was Roman Catholic" (p. 31). "The expedition consisted of his [Baltimore's] brother Leonard Calvert as governor; Hawley and Cornwaleys as assistants, with twenty gentlemen of good fashion, among whom were three Jesuit priests — White, Altham, and Copley — and probably two hundred others (Englishmen), mechanics, etc. The gentlemen (twenty-three in number) were Roman Catholics" (p. 31).

"Governor Calvert [in 1647], at the head of a Roman Catholic government, intended to be a compromise between the extra pretensions of the Jesuits and the conservatism of the English Catholic, the great majority of the people Protestant," etc. (p. 100).

"Three theories are advanced to account for the adoption of the principle of Religious Liberty in the foundation of Maryland" (p. 5). "The charter was *considered* in itself to be a license to liberal

opinions. It was *understood* to carry with it, especially to Roman Catholics, the right to enjoy their religion without let or hindrance" (p. 23).

"With these assisting by counsel, and all the power of the Society of Jesus [for the establishment of Religious Liberty] was Father Richard Blount, provincial of the English province" (p. 19). "Objections were urged [in England] to the charter and to permitting Roman Catholics to emigrate under it" (p. 24). Provincial Blount, of the Society of Jesus, announced these objections (in a paper fully printed, pp. 24-30): "This paper proves that the Charter of Maryland was then considered and treated as securing Liberty of Conscience to Roman Catholics" (p. 30).

In 1637 John Lewger, who had become a convert to the Roman Catholic Church and appointed by Baltimore, secretary of the province (p. 38). On his arrival all the freemen were summoned to a General Assembly. "I have shown that of the 220 adventurers [228 he says on page 32] 128 were Protestants. . . . None of these were summoned to the General Assembly, for none were freemen." "It is reasonably certain that of the 220 or more colonists only ninety were freemen, and it is equally

certain that a large majority of the freemen were Roman Catholics" (p. 39).

"The Roman Catholics controlled the government in Maryland, and the Jesuits exercised great influence over those Roman Catholics" (p. 142).

"Maryland was overwhelmingly Protestant [in 1648] and in sympathy with the Parliamentary party" (p. 132).

"Thus [in 1648] the complete control of the province was passed over to the Protestants" (p. 112).

"The Act concerning Religion was the first act passed, and was enacted on the 21st of April, 1649" (p. 119).

"This act, in 1650, was the performance of the pledge made originally [in 1632] by the proprietary in his first conditions of plantations for Liberty of Conscience" (p. 121).

That is, after eighteen years of endeavor a resort to revolution was required to bring Lord Baltimore to a recollection of the Religious Liberty scheme, but only for Roman Catholics.

I have herein spoken of Wynne, whom the learned doctor quotes, as a "discarded writer." I now propose to show not only that Wynne must

be considered a discarded writer, but that the learned doctor has wholly misquoted and misrepresented him. First, Wynne must be discarded, for the reason that while writing a "*History*" of the *British Empire in America* and including in his account of Maryland some mention of the species of Religious Toleration which existed there, in his account of Rhode Island not even the slightest mention is made either of Religious Toleration or Religious Liberty, the latter being the great principle upon which the colony was planted. Such a writer is not worthy of credit; a reader, unless familiar with the facts, never knows when he is "suppressing" or "arranging" them, and whether this is done willfully or not on the part of Wynne the result is the same—falsity. But Dr. Clarke has wholly misrepresented Wynne. Clarke says Wynne "expressly states that Calvert's motive was *from the beginning* [the italics are Clarke's] to find Religious Liberty." Wynne says nothing of the kind; neither the words "Religious Liberty" nor their equivalent can be found in Wynne's account. (See *Hist. Brit. Empire in Amer.*, Vol. I, pp. 236-241.) Nor does Wynne say expressly "from the beginning;" he says nothing about the beginning.

He says (p. 238): "His lordship gave his consent to an act of Assembly which he had before promoted in his province for allowing a free and unlimited toleration to all who professed the Christian religion, of whatever denomination." Wynne gives no dates, and Dr. Clarke carefully refrains from telling us that this was the Act of Religion of 1648-50, which was the outcome of a revolution. On the contrary, he argues upon it just as if it was a fundamental law of the province in 1634, when the province was planted, but it was then unknown. Wynne's statement is entirely fair. He says (p. 236): "His lordship was a Catholic, and he had formed his design of making this settlement in order to enjoy a Liberty of Conscience"—that is, as a Roman Catholic; for, continues Wynne, "which, though the government of England was by no means disposed to deny him, yet the rigor of the laws threatened, in a great measure, to deprive him of the severity of which it was not in the power of the court itself at that time to relax." Thus Baltimore, according to Wynne, had at the time of settlement (1634) not the slightest notion of general Religious Liberty for all, but only Liberty of Conscience for Roman

Catholics, and that is precisely all that there was in his movement, save only the set purpose of making a prodigious sum of money out of the settlers; and he made it.

The real purpose of Lord Baltimore in founding a colony either at Avalon, or at Maryland, was that he might accumulate money. He cared nothing about Religious Liberty, nor about Toleration, for all people. He could not have intended either as an asylum for the oppressed, for he never left England to dwell in either place. His first act upon landing in Maryland was not the erection of a cross and the saying of mass, but it was the erection of a "fort to prohibit foreigners from the trade of the river." (*Father White's Narrative*, p. 19.) There is not a word favoring Toleration or Religious Liberty in either of his charters. All the Religious Liberty there was in Maryland was for the Roman Catholics. Dr. Clarke admits this when he says, quoting from Johnson, "This paper proves that the charter of Maryland was then considered and treated as securing Liberty of Conscience to Roman Catholics." (*Clarke's Paper*, p. 303.) Now consult any authority, or any writer, and learn how few Roman Catholics from England

ever availed themselves of this asylum of the oppressed in conscience; history has not recorded the name of a single individual.

“The inhabitants are *all tenants* to Lord Baltimore upon a small quit rent. So prodigiously have planters extended themselves that his lordship’s quit rents are computed at 8,000 pounds sterling per annum.” (*Macsparran’s America Dissected*, p. 14.)

The learned doctor makes another statement so extraordinary in character that I must recur to it. He says “that until some twenty years”—that is, until 1875—no Protestant ever questioned the truth of the claim which the Roman Catholics had always held, that they were the first to plant Religious Liberty on this Continent. Nevertheless he does not show a single Roman Catholic claim before that of Mr. J. G. Shea, in 1856; he cannot show one; it does not exist. No Roman Catholic ever thought of such a thing. The truth is directly the reverse of what the learned doctor has written. Let me show you whether any Protestant before 1875 set forth a claim for planting the first State in Christendom upon a basis of absolute Religious Liberty to every human being.

“In all the other colonies [Maryland not excepted] the law lays an obligation to go to some sort of worship on Sunday, but here [in Rhode Island] Liberty of Conscience is carried to an irreligious extreme.” (*Macsparran’s America Dissected*, 1753, p. 31.)

In 1661 Elizabeth Hootan (Houghton) and Jane Stokes, two Quaker preachers, traveled through the English colonies then existing in North America. After suffering inhuman cruelties at the hands of their fellow Englishmen, Elizabeth was sent back to England, thus “strengthening the hands of the wicked in all these countries, as Virginia, Maryland, and the Dutch plantations, to do the like, thinking to root out truth and its followers.” (*Bishop’s New England Judged, Appendix, London*, 1702, p. 109.) Thus Rhode Island was the only English plantation on this Continent where the lives of those poor Quaker women were safe. Maryland was still under the control of Lord Baltimore, with his Religious Liberty, or Toleration.

In 1663 Charles II, King of England, granted a charter of government, in which are these words: “To hold forth a livelie experiment that a most flourishing civil state may stand, and best be

maintained, and that among our English subjects with a full liberty in Religious Concernments." Had the Maryland government by Lord Baltimore demonstrated the truth or success of such a principle would the king have declared the Rhode Island attempt "a livelie experiment?"

In 1670 Roger Williams, in a letter to Major Mason, in speaking of the colonial charter of Connecticut, uses these words: "But our grant [charter 1663] some few weeks after yours sealed, though granted as soon, if not before yours [Charter of Connecticut 1662], is crowned with the King's *extraordinary favor* to this colony, as being a banished one, in which his Majesty declared himself that he would experiment whether civil government could consist with such Liberty of Conscience." Would the king *experiment* in 1663 with a principle which this Roman Catholic now says he had successfully established in 1634? (*Narr. Club*, Vol. VI, p. 346.)

"It is now a glory to the colony to have avowed such sentiments [Liberty of Conscience] so long ago while blindness in this article happened in other places, and to have led the way as an example to others, and to have *first put* the theory into

practice." (*Callender's Historical Discourse, Boston, 1739, p. 55.*)

"This province [Maryland] has a succession of secular [not regular] clergy sent them chiefly from Ireland, who subsist on the *free will offerings* of those to whom they administer" (p. 13). "These Rhode Island refugees resolved themselves into a body-politic, with Liberty of Conscience allowed to people of all persuasions" (p. 28). (*Macsparran's America Dissected, 1753.*)

Dr. William Douglass published in London (1755) a *Summary*, historical and political, of the first planting, etc., of the British settlements in North America. Volume II, pages 76 *et seq.*, gives an account of Rhode Island and its settlement. He says, "their design was to live quietly with Liberty of Conscience together," and in a footnote (p. 82) he continues, "without excepting Roman Catholicks or any others." Dr. Douglass, in his account of the settlement of Maryland, makes no mention of having discovered either Toleration or Religious Liberty there.

"As they were all fully sensible of the horrid mischiefs and atrocious sin of persecution, they established an universal Liberty of Conscience as well

for all others who should come and settle with them as for themselves, and this natural right of all mankind has been inviolably maintained throughout the colony to this day, Liberty of Conscience being settled in this and denied in the two neighboring colonies." (*Stephen Hopkins, Providence Gazette*, Oct. 20, 1762.)

About 1775 Morgan Edwards wrote a manuscript volume entitled *Materials for a History of the Baptists*. This manuscript is now in the possession of the Rhode Island Historical Society. It was printed by that Society, in 1867, in Volume VI of the Society's collections. In this volume, at page 319, are these words: "Roger Williams justly claims the honor of having been the first legislator in the world that fully and effectually provided for and established a free, full, and absolute Liberty of Conscience."

In 1777 Mr. Isaac Backus published the first volume of a *History of New England*, at Boston. In it, at page 95, are these words: "These were the foundations of a now flourishing colony, which was laid upon such principles as no other civil government ever had been, as we know of, since anti-Christ's first appearance." This is followed by

an extract from another writer, but not named by Mr. Backus. This extract I will quote separately, as follows :

“In 1763 (*sic*) Mr. Stephen Hopkins published several papers entitled ‘An Historical Account of the Planting and Growth of Providence.’ In one of those papers—that printed in the *Providence Gazette*, No. 122, are these words: ‘Roger Williams justly claims the honor of having been the first legislator in the world in its latter ages that fully and effectually provided for and established a free, full, and absolute Liberty of Conscience.’”

In 1792 Jedediah Morse published an *Universal Geography*. In it, at page 209, is a “History of Rhode Island.” Mr. Morse failed to discover the Religious Liberty clause even in the charter of 1663, and makes no mention of any such condition in his veracious “history;” but at page 209 are these words: “The true grounds of Religious Liberty were *not embraced* or understood at this time [1636] *by any sect.*” This rules out the Roman Catholic settlement of Maryland.

In 1799 Hannah Adams published a *History of New England*. On page 57 are these words with reference to Roger Williams: “He justly claims

the honor of being the first legislator in the world in its latter ages who effectually provided for and established a free, full, and absolute Liberty of Conscience."

In 1813 David Benedict published a *History of the Baptists*. In Volume I, page 477, are these words: "Roger Williams justly claimed the honor of being the first legislator in the world that fully and effectually provided for and established a free, full, and absolute Liberty of Conscience."

In 1817 the *American Baptist Magazine* for January of that year has a "Memoir of Roger Williams," in which the quotation from Governor Hopkins, of 1763, appears, and is reiterated.

In 1818 Mr. G. C. Verplanck delivered the *Anniversary Historical Discourse before the New York Historical Society*. On page 56 he thus spoke: "The glory of having first set an example of a practical and extensive system of Religious Freedom was reserved for America. The first legislator who fully recognized the rights of conscience was Roger Williams." (Note what Verplanck says about Baltimore, p. 59.)

In 1834 Mr. J. D. Knowles published at Boston a *Memoir of Roger Williams*. At page 77 he uses

these words: "The grand doctrine of Liberty of Conscience was then a portentous novelty, and it was the glory of Roger Williams that he in such an age proclaimed it, defended it, suffered for it, and triumphantly established it."

In 1844 the First Baptist Church bell was cracked and recast, and on it was this inscription, "This Church was founded in 1639 by Roger Williams, its first pastor and the first assertee of Liberty of Conscience." (*Arnold's Hist. Discourse*, p. 15.)

In 1846 Prof. William Gammell published a *Life of Roger Williams*. At page 74 is this sentence concerning the first civil compact: "It embodies the principle for which Roger Williams had contended ever since his arrival [in 1630] . . . and it is believed is the first form of government recorded in history that contains an express practical recognition of the rights of conscience."

In the light of such an array, does Dr. Clarke really think that Protestant writers never claimed for Rhode Island the glory of having been the first State in the world to establish Religious Liberty as a political principle, or that it is only within "some twenty years" that Protestants have questioned the Roman Catholic claim for Maryland?

IV.

THE question has now been fully discussed whether Lord Baltimore, in planting the Province of Maryland, in 1634, preceded Roger Williams, in 1636, in making Soul Liberty the basis of a State; whether the claim of the Roman Catholics is well founded — first, that they as a sect planted that province; and, second, made Religious Freedom the basis of the constitution. The question was discussed solely on historical grounds, and the conclusion was reached, not only that the Roman Catholics did not precede Roger Williams in the planting of this principle, but that no such principle was ever planted there. The improbable nature of the validity of such a claim by this ecclesiastical organization was barely touched. In the list of dogmas proposed by this church for the belief of the faithful I find no dogma proposing Religious Liberty; nor do I propose now to enter upon such an inquiry. I propose now to do as I have previously done — confine myself to plain his-

torical facts. Let me now consider what Roger Williams did, and how the generations which followed carried out, never swerving, the spirit of his conceptions. When we reflect that this conception by Williams brought banishment among savages to him, and death, actual martyrdom, to some who believed as he believed, and that now all this is swept away ; that following the success of Rhode Island the conception of Williams has made the circuit of the globe, it is then, I say, that we catch a glimpse of the true grandeur of this experiment by Williams. "Time," as Sir Archibald Alison said, "*is* the mighty agent which separates truth from falsehood," and truth is at last coming within sight.

Roger Williams, driven by religious persecution from Massachusetts, came here on the shores of Narragansett Bay, bought land from the Indian sachems, and began a settlement in 1636. He gave the name Providence to this settlement, a name which, strangely enough, the Puritan exiles in Maryland, some ten years later, gave to their settlement, which is now Annapolis. With his own hand Williams wrote the first entry on the first leaf of the first record book of this settle-

ment now known, or known ever, to have existed ; and this is the entry : " We whose names are hereunder, desirous to inhabit in the town of Providence, do promise to subject ourselves in active or passive obedience to all such orders or agreements as shall be made for public good of the body, in an orderly way, by the major assent of the present inhabitants, masters of families incorporated together into a town-fellowship, and such others whom they shall admit unto them *only in civil things.*"

Compare this foundation of a State with that which Father White and Lord Baltimore set up in Maryland. Here was no sole ownership of the earth, as in Baltimore's case—earth, too, for which the previous owners had never been paid. No man here had all the advowsons in the colony as Baltimore did ; no glebe lands were given by the State ; no tax could be, or was ever, levied for the support of the Roman Catholic priesthood, nor the ministers or clergymen of any other sect, as was done from first to last in Maryland ; but enough—let me come to pleasanter things. First, here is Roger Williams's definition of the term Freedom of Conscience :

“It hath fallen out sometimes that both Papists and Protestants, Jews and Turks, may be embarked in one ship, upon which supposal I affirm that all the Liberty of Conscience that ever I pleaded for turns upon these two hinges; that none of the Papists, Protestants, Jews, or Turks be forced to come to ship’s prayers, or worship, nor compelled from their own particular prayers, or worship, if they practice any.” (*Roger Williams’s Letters, Narr. Club*, Vol. VI, p. 297.)

In 1637 arose in Providence the case of Joshua Verin—a case which caused much mirth among those who opposed the conception on which Williams founded Rhode Island. Verin had a wife. She was impressed strongly with religion, and attended divine service upon every opportunity. To this Verin the husband objected, and held Verin the wife in subjection. The town took hold of the matter and passed this order: “Joshua Verin, for breach of covenant in restraining Liberty of Conscience, shall be withheld the liberty of voting till he declare the contrary.” In plain terms, because Verin deprived his wife of her religious rights he should be deprived of his political rights. It was even-handed justice, and I fail to see where

the laugh comes in. Who gave to Verin the right to control the salvation of this woman's soul? Can Verin settle with her God, for the infringements upon moral goodness which the flexibility of conscience had permitted her to perform? No! said the founders of Rhode Island; and when they said so they implanted a principle at which people have now ceased to laugh, and second only to the great principle for which this colony was created. (*Winthrop's Hist. New England*, 1853, Vol. I, p. 341; also *Staples's Annals of Providence*, p. 23.)

In 1640 the inhabitants of Providence made some changes in the town government. A report upon the subject is extant. In this report are these words: "We agree as formerly hath been the liberties of the town, so still to hold forth *Liberty of Conscience*." (*Staples's Annals of Providence*, p. 41.)

In 1640 the town of Newport was formed with a constitution which defines the structure of government in these words: "It is a Democracie or Popular Government; that is to say, it is in the powre of the Body of Freemen, orderly assembled, or the major part of them, to make or constitute just laws by which we will be regulated. . . . It is

further ordered that none bee accounted a delinquent for Doctrine, provided it be not directly repugnant to ye laws established." (*R. I. Col. Rec.*, Vol. I, p. 112.) On the 17th September, 1641, this town made this law: "It is ordered that that law of the last courte made concerning Liberty of Conscience in point of Doctrine is perpetuated." (*R. I. Hist. Col.*, Vol. IV, p. 214.)

In 1643 the first patent was granted by the English government to the Rhode Island towns for the incorporation of the Providence plantations. The inhabitants were given power to set up "such a form of civil government as by voluntary consent of all, or the greatest part of them, shall be found most serviceable to their estates and condition." (*R. I. Hist. Col.*, Vol. IV, p. 224.) There is no grant of Religious Liberty in this charter, but the instrument *limits the powers of legislation to civil matters*. (*Staples's Introd. to the Proc. of First Gen. Assem.*, p. 10.) Williams would receive a grant of Soul Liberty from no man. It was the inherent, indefeasible right appertaining to every man. He was the sole representative in England from Rhode Island for the procuration of the patent, or charter, and he thus wrote upon this

point: "Whereas freedom of different consciences to be protected from inforcements was the principal ground of our charter, both with respect to our humble sute for it, as also to the true intent of the Honorable and Renowned Parliament of England," etc. (*R. I. Col. Rec.*, Vol. I, p. 378.) No such flimsy gift, from some other man, as *toleration* would answer—no taxation, first to support some other man's church, and then abject permission from this man to worship God as his conscience dictated, for this is all that toleration means. In 1647 came the union of the towns under this charter and the enactment of the first code of laws. The code is begun with these words: "Now to the end that we may give each to other, notwithstanding our different consciences touching the truth as it is in Jesus, whereof upon this point we all make mention, as good and hopeful assurance as we are able touching each man's peaceable and quiet enjoyment of his lawful right and liberty." (*Proc. First Gen. Assem.*, 1647, p. 18.) The code ends with, "These are the laws that concern all men, and these are the penalties for the transgression thereof, which, by common consent are ratified and established throughout the

whole colony; and otherwise than which is herein forbidden, all men may walk as their consciences persuade them, every one in the name of his God." (*Proc. First. Gen. Assem.*, 1647, p. 50.)

In 1654 came the letter from Roger Williams to the town of Providence in which are these words: "But, gentlemen, blessed be God who faileth not, and blessed be his name for his wonderful Providences by which alone this Town, and Colony, and that grand cause of Truth and Freedom of Conscience hath been upheld to this day." (*Narr. Club*, Vol. VI, p. 264.)

In 1657 the Commissioners of the United Colonies addressed a request to the Rhode Island government, asking for action against the Quakers. (*R. I. Col. Rec.*, Vol. I, p. 374.) The president of the colony, Benedict Arnold, replied to the request by a letter in which are these words: "And as to these Quakers (so called) which are now among us, we have no law among us whereby to punish any for only declaring by words, &c., their mindes and understandings concerning the things and ways of God as to salvation and an eternal condition." (Same book, p. 376.) In 1658 the General Assembly also replied by a letter in which are these

words, first stating that it was resolved to apply "unto the Supreme authority of England, humbly craving their advice and order, how to carry ourselves in any further respect towards these people, so that therewithall their may be noe damadge or infringement of that chiefe principle in our Charter concerninge Freedom of conscience." (Same book, p. 379.) The matter was then sent to John Clarke, in England, to be presented to the lord protector, and Clarke was directed "to pleade our case in such sorte as wee may not be compelled to exercise any civil power over men's consciences soe longe as human orders in poynt of civility are not corrupted." (Same book, p. 398.)

In 1663 came the charter of Charles II, creating the colony of Rhode Island. It contains these words: "And whereas in their humble addresse, they have freely declared that it is much of their hearts (if they may be permitted) to hold forth a livelie experiment, that a most flourishing civill State may stand and best bee maintained, and that among our English subjects, with a full liberty in religious concernments." (*R. I. Col. Rec.*, Vol. II, p. 5.) The king thus continued: "That our Royall will and pleasure is, that noe person

within the said colony at any tyme hereafter shall bee any wise molested, punished, disquieted, or called in question for any differences in opinions in matters of religion." (Same book, p. 5.)

In 1666 Roger Williams, in a letter to the General Assembly urging the claims of John Clarke for his labor in obtaining the charter of Charles II, thus speaks of things acquired by the charter: "The second jewel is liberty; the first of our spirits which neither Old nor New England knows the like, nor no part of the world a greater." (*Rhode Island Book*, p. 10.) This refers to Religious Liberty, for the reason that in every part of New England individuals possessed the same political liberty as they possessed here.

In June, 1670, Roger Williams, in his letter to Major Mason, says: "Hence he [Charles II] hath vouchsafed his royal promise under his hand and broad seal that no person in this colony shall be molested or questioned for the matters of his conscience to God, so he be loyal and keep the civil peace. . . . Yourselves [that is, the Colony of Connecticut, and of New Haven] pretend liberty of conscience, but alas! it is but self, the great good self, only to yourselves." (*Knowles's Memoirs*, p. 399.)

In August, 1673, the Colony of Rhode Island enacted that "noe person nor persons that is, or hereafter shall be persuaded in his or their conscience or consciences, and by him, or them declared, that he nor they cannot, nor ought to trayne, to learne to fight, nor to war, nor kill any person, nor persons" . . . shall suffer any punishment, nor be compelled against their conscience to do these things. (*Col. Rec.*, Vol. II, p. 498.) Under the stress of King Philip's Indian War this exemption was repealed, in May, 1676, but six months later the repeal was repealed, and Quakers were exempt from military service. (Same book, p. 555.)

In 1677, in an act concerning the militia, enacted by the General Assembly, occurs these words: "Provided alwayes and this Assembly do hereby declare, that it is their full and unanimous resolution, to maintain a Full liberty in Religious concernments relatinge to the worship of God." (*R. I. Col. Rec.*, V. II, p. 571.)

In reply to inquiries concerning the administration of government in the colony, made by the Committee for Foreign Plantations under the direction of the Privy Council, Governor Sanford,

with the advice of the Council (the body now called the Senate) made answer. To the twenty-sixth and twenty-seventh interrogatories the answer was, "Those people who go under the name of Baptists and Quakers are the most that congregate together; but there are others of divers persuasions and principles, all which together with them, enjoy their liberty according to his Majesty's gracious charter; wherein all our people in our colony are to enjoy their Freedom of Conscience provided that liberty extended not to licentiousness; but as for Papists, we know of none among us. We leave every man to walk as God shall persuade their hearts, and do actively or passively yield obedience to the civil magistrate, and have liberty to frequent any meetings of worship for their better instruction; but as for beggars and vagabonds we have none among us; and as for lame and impotent persons, there is a due course taken."

"This may further humbly inform your Lordships that our predecessors about forty years since left their native country and comfortable settlements there, because they could not, in their private opinions, conform to the liturgy, forms, and ceremonies of the Church of England, and trans-

ported themselves and families over the Ocean seas to dwell in this remote wilderness that they might enjoy their liberty in their opinions; which upon application to his gracious majesty after his happy restoration did of his bountiful goodness grant us a charter full of Liberty of Conscience; in which said charter there is liberty for any persons that will build churches and maintain such as are called ministers without the least molestation." (*Chalmers's Political Annals*, p. 284.) The date of this paper is 8th May, 1680.

In 1716 the General Assembly enacted a law "regulating the maintainance of ministers within the colony." (*Digest of Rhode Island Laws*, 1730, p. 84.) The preamble recites: "There was a charter granted to this colony which contained many gracious privileges for the encouragement and comfort of the inhabitants thereof; amongst others, that of free Liberty of Conscience in Religious concernment being of the most Principal, it being a moral Privilege due to every Christian as by His said majesty is observed, that true Piety rightly grounded upon Gospel principles will give the best and greatest security to Sovereignty, and will lay in the Hearts of men the strongest obligations to

true Loyalty; and this present Assembly being sensible by long experience that the aforesaid Privilege by the good Providence of God having been continued to us has been an outward means of continuing a good and amicable agreement amongst the inhabitants of this colony; and for the better continuance and support thereof, as well as for the timely preventing of any and every church, congregation, or Society of People, now inhabiting or which shall hereafter inhabit within any part of the jurisdiction of the same, from endeavoring for preheminance, or superiority one over the other, by making use of the Civil Power for the enforcing of a maintenance for their respective ministers." Thereupon followed this law: "That what maintainance or sallery may be thought needful or necessary by any of the churches, congregations or society of People now inhabiting or that hereafter shall and may inhabit within the same for the support of their respective minister or ministers, shall be raised by free contribution, and no other ways." This law has been thrown at Rhode Island for many years as an act of barbarism. Here is one of the forms of objection: "They pay no taxes for the support of ecclesias-

tics of any denomination; and a peculiarity which distinguishes this State from every other Protestant country in the known world is that no contract formed by the minister with his people for his salary is valid in law." (*Morse's Amer. Univ. Geography*, 1793, Vol. I, p. 383.) It is clear that Mr. Morse's statement will not bear the test of examination.

The charter admits the right of contract by individuals and by incorporations; and so, too, does the English common law, which latter was in force here equally the same as the Colonial Statutes. The General Assembly says ministers' salaries "*shall be raised*," but it says they *shall not be raised by a general tax*. The General Assembly did not say, it could not say, that a minister could not contract with an incorporated church and collect his salary. He could have done so under this statute; but the church must depend upon the voluntary contributions of its members. It could not appeal to the civil government for a tax to do this. If this be barbarism, make the most of it. But it is just such a condition as now exists in all States where Religious Liberty exists; Rhode Island only again led the way.

This brings us down to the first appearance of the law which excluded Roman Catholics from political rights in the colony in 1719. The history of this statute has been elaborately discussed by the present writer in another place; to wit, in *Rhode Island Historical Tract, Second Series, No. 1*. It does not require consideration here, since it did not touch the question of Religious Liberty. It left a Catholic to follow the dictates of his conscience in the matter of religious worship with no help nor any hindrance from the civil government. Thus matters remained legally until 1798, when the General Assembly enacted this law: "That no man shall be compelled to frequent, or support any religious worship, place, or ministry whatsoever; nor shall be enforced, restrained, molested, or burthened in his body, or goods, nor shall otherwise suffer on account of his religious opinions or belief; but that all men shall be free to profess, and by argument to maintain their opinions in matters of religion, and the same shall in no wise diminish, enlarge, or affect their civil capacities." (*Digest of R. I. Laws*, 1798, p. 18.)

The ground is covered. It has been shown by incontrovertible evidence that from the beginning,

in 1636, to this 19th century Rhode Island never wavered in her support of this principle; but there is still one point, more liberal than any which I have shown, to which I wish to refer. The Narragansett Indian worshipped many gods. He worshipped also the sun; and he worshipped his great god Coutantowit; he was, moreover, the original Mormon in so far as he was polygamous. With all these things the settlers interfered not. The same principle was applied to the barbarian and to the English settler.

So also it was with the principles of Roger Williams. In 1652 he wrote: "I confess in this plea for freedom to all Consciences in matters (meerly) of worship, I have impartially pleaded for the Freedom of the Consciences of the Papists themselves, the greatest enemies and persecutors (in Europe) of the Saints and Truths of Jesus." (*Narr. Club*, Vol. IV., p. 47.)

Here I bring to a close this glorious chapter in the history of Rhode Island, the first commonwealth in the New World, the first in all the world to make Soul Liberty the basis of a constitution for a State.

In words more fitting than any which I could

write, a lady, Miss Caroline Hazard, has told the beautiful story. It was indeed a noble poem, which she read at the Columbian Exhibition, Rhode Island's Day, 5th October, 1893. I have not only used her title, "Rhode Island's Gift to the Nation," but now I use her fine utterances for my ending:

Last of the thirteen, smallest of them all,
What canst thou bring to this World's Festival?

* * * * *

What can we bring? No outward show of gain,
No pomp of state; we bring the sons of men;
The man who lived two centuries ago,
In persecutions which set hearts aglow,
Who dared to say, when everywhere world wide
Men made belief and State-craft coincide,
We have no law to punish or disperse
Those who express their faith in ways diverse.
Successors to that man full well may dare
To claim they are a prophet's lawful heir.
These many years to us there have not failed
Some lofty spirits with whom truth prevailed,
Who stood for right, the high, the ideal things,
Until this freedom with its healing wings
Spread over all the land, and now the whole,
From east to west, has the Rhode Island soul.

Bring gold, fair sisters, yellow gold,
And gems, and all that's fair and fine,
And heap them all, the new, the old,
Before our country's stately shrine;
Bring hardihood from north and east,
Bring beauty from the south and west,
Bring valor to adorn the feast,
Bring all that hath withstood Time's test;
We grudge you not the riches rare;
We grudge you not your acres broad;
We bring you for our noble share
The liberty to worship God.

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